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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,160

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EXAMINER

PERRIN, JOSEPH L

ART UNIT

PAPER NUMBER

1711

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,160	Applicant(s) LEE, YOUNG SU	
	Examiner Joseph L. Perrin	Art Unit 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20100422</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The terminal disclaimer filed on 14 April 2010 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent Application Nos. 10/582,130 and 10/582,136 has been reviewed and is accepted. The terminal disclaimer has been recorded.
2. Applicant's arguments filed 14 April 2010 have been fully considered but they are not persuasive. Regarding the rejection of claims 1-4 and 6-11 under 35 USC 103, Applicant argues that claim 1 recites a "single structure" and "integral formation", citing advantages such as avoiding separately manufactured components which increase assembling time and cost, as well as avoiding leaks through junctions between separately manufactured components. However, the Examiner remains unconvinced. Firstly, Applicant's recitation of the previously rejected claim 1 having the outlet pipe "integrally" connecting the colloidal silver maker to the detergent feeder "into a single structure" is readable on the structure disclosed as KR '368 because the structures of KR '368 are combined as a single structure and readable on an integral "single structure". Regarding the recitation of "integral" and "single structure", the law of anticipation does not require that the reference teach what Applicant is claiming, but only that the claims "read on" something disclosed in the reference. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984) (and overruled in part on another issue), *SRI Intel v.*

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Matsushita Elec. Corp. Of Am., 775 F.2d 1107, 1118, 227 USPQ 577, 583 (Fed. Cir. 1985). Also, a reference anticipates a claim if it discloses the claimed invention such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention. See *In re Graves*, 69 F.3d 1147, 1152, 36 USPQ2d 1697, 1701 (Fed. Cir. 1995), cert. denied, 116 S.Ct. 1362 (1996), quoting from *In re LeGrice*, 301 F.2d 929, 936, 133 USPQ 365, 372 (CCPA 1962). Furthermore, it has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973). Accordingly, the fastened connection between the structures disclosed in KR '368 "read on" the "integrally" formed "single structure", such being readily understood by one having ordinary skill in the art. Even if assuming *arguendo* that KR '368 does not disclose the claimed "integral" structure, it would have been obvious to one having ordinary skill in the art at the time the invention was made to "integrate" the structures either in the manufacturing process or by known integrating techniques such as providing adequate fastening means (although this clearly already exists in the integrally connected structures in KR '368), since it has been held that forming in one piece an article which has formerly been formed in multiple pieces involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893); *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

3. Moreover, regarding the advantages discussed by Applicant, these reasons are neither unexpected or unpredictable as one having ordinary skill in the art knows that increasing/decreasing manufacturing components is directly related to

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increased/decreased cost, respectively, and that the more/less junctions in a water supplying system results in more/less possible leaks, respectively. Simply stated, there is nothing unexpected or unpredictable in such "advantages" that result in sufficient secondary conditions for patentability notwithstanding the fact that the structure disclosed in KR '368 is believed to sufficiently read on an integrated and single piece structure for reasons indicated above.

4. Regarding the rearrangement of parts argument, Applicant argues that a "rearrangement" of parts in KR '368 would not have realized the invention of claim 1 based on the repeated argument of the structures of KR '368 not being "integral". This is not persuasive for reasons indicated above regarding the "integral" argument.

Applicant further argues that there is no motivation in KR '368 to rearrange the structure of KR '368. In response to applicant's argument that there is no motivation/suggestion in the cited prior art, it is noted that the Supreme Court decision in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007) forecloses a teaching, suggestion, or motivation (TSM) test as the only rationale in obviousness determination. In the instant case, since the simple rearrangement appears to produce the same predictable results the rearrangement is deemed *prima facie* obvious. Applicant has not provided reasonable evidence or showing to refute the *prima facie* case of obviousness, and no such distinction is readily apparent on this record.

5. Applicant further argues that there is no output pipe integrally connecting the colloidal silver maker to the detergent feeder. Applicant further purports that this is somehow "admitted by the Examiner". However, this is confusing as Examiner has

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made no such admission. Rather, an “output” and “input” exist on each of the components (see the previous rejection indicating this), whether it’s explicit, implicit, or inherent. Otherwise, water could not flow through the components and the components would fail to function as designed. Thus, Applicant’s argument is unconvincing and does not result in pointing out how the claims recite patentably distinguishing subject matter given the state of the art as KR ‘368 discloses the argued structure.

6. Applicant recites reasons of same for patentability of claims 3-6, 7 and 8-11, which are not persuasive because claim 1 is unpatentable for reasons indicated above and those already of record.

7. Similarly, regarding the rejection of claim 5 over the combination of KR ‘368 and Mamiya, Applicant argues that Mamiya does not teach the purported deficiencies of KR ‘368 of integral outlet pipe and colloidal silver maker. This is not persuasive because KR ‘368 is not deficient, nor is the obviousness rationale applied to KR ‘368 rejecting the invention as claimed in claim 1.

8. The claims remain rejected for reasons indicated above and those already of record.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-4 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over KR ‘368.

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Regarding claims 1, 2, 3, and 7, KR '368 discloses a washing machine with tub (11/12) combined with a colloid silver maker (30) in the water supply line, the silver maker comprising a silver ion casing/housing (31) and lid (32), the housing having an inlet (36) and outlet (39), a water feed connecting valve (22) for connecting the inlet of the housing and the water supply unit of the washing machine, two silver members (33/34; note that silver rods and plates are structural equivalents, such being common knowledge in the art) installed in the housing with a nozzle spray unit structure (36a/b) separating the silver members, and connecting pipe thereby configuring the silver maker with a detergent feeder (23) comprising a slidable detergent container (24), the structures configured to supply silver-containing wash water to the tub. See Figs. 1-3 and relative associated text.

KR '368 discloses the claimed invention and KR '368 teaches that it is known to provide a washing machine with both a silver solution supply device (30) and detergent supply device (23) as shown in Figs. 1-3 and relative associated text. However, while KR '368 discloses both a silver supply device and detergent supply device in parallel, KR '368 does not disclose the supply devices in series as claimed. However, it would have been obvious to rearrange the supply devices from parallel to series since such rearrangement would produce the same predictable result of supplying silver and/or detergent to the washing machine. It has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claims 4, 6, 10 and 11, KR '368 discloses a lid and an inlet but does not expressly disclose the inlet provided on the lid. However, it would have been

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obvious to rearrange the inlet to the lid since such rearrangement would produce the same predictable result of supplying water to the silver maker as it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claims 8-9, as indicated above KR '368 discloses the claimed detergent feeder including a slidable detergent container as well as the silver maker having an outlet spray unit with plural holes, the detergent feeder and silver maker being arranged in parallel. As indicated above, the position is taken that rearranging the detergent feeder and silver maker described in parallel to a configuration being in series would result in the configuration of claim 8 and is considered *prima facie* obvious since such rearrangement would produce the same predictable result of delivering detergent and/or silver to a washing machine.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over KR '368 in view of MAMIYA. KR '368, *supra*, discloses the claimed invention with the exception of providing at least one spacing projection provided between the silver members. MAMIYA teaches that it is known to provide a silver maker having silver members with spacing projections projected thereinbetween (see top and bottom of silver maker 60 in Figs. 1-3).

All of the component parts are known in KR '368 and MAMIYA. The only difference is the combination of "old elements" into a single washing machine by providing the silver maker of KR '368 with spacing projections as taught in MAMIYA.

Thus, it would have been obvious to one having ordinary skill in the art to mount the spacing projections taught by MAMIYA onto the silver maker housing as shown in KR '368 to achieve the predictable results of maintaining spacing between the silver members. Moreover, there would be a reasonable expectation of success in combining KR '368 and MAMIYA, since each of the references are analogous to the washing machine art. The Examiner notes that a rearrangement of the spacing projections and silver members (i.e. either on top or bottom of the silver maker) is considered *prima facie* obvious as such rearrangement would produce the same predictable result absent evidence to the contrary.

Information Disclosure Statement

12. The Information Disclosure Statement filed 30 October 2006 contains numerous duplicate citations. In order to avoid duplicate publication of the duplicate citations in any future patent publication, the duplicate citations have been lined through.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 8:00-4:30.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph L. Perrin/
Joseph L. Perrin, Ph.D.
Primary Examiner
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JLP